

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 869 - SB 859

April 12, 2021

SUMMARY OF ORIGINAL BILL: Requires the Governor to provide certain notice and information to certain members of the General Assembly regarding declarations of a state of emergency applying to a public health emergency. Authorizes the General Assembly to terminate such declarations with passage of a joint resolution.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (005561): Deletes and rewrites all language after the enacting clause such that the substantive changes: (1) prohibit the Governor from extending a state of emergency (SOE) or issuing an executive order (EO) in response to the public health emergency for more than 100 days without approval of the General Assembly; (2) require the call of a special legislative session if the Governor wishes to extend an SOE or EO beyond 100 days when the General Assembly is not in regular session; (3) require the Comptroller of the Treasury and the Finance, Ways, and Means Committees of the Senate and House of Representatives to review all contracts and bids entered into and accepted during a SOE declared in response to a public health emergency; (4) require three committees of the General Assembly to conduct a study of the response by the judicial branch to the COVID-19 pandemic and report findings not later than January 1, 2022; and (5) make certain provisions effective January 1, 2026.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$56,000/FY21-22

Other Fiscal Impact – For any meeting of the Finance, Ways, and Means Committees of the Senate and House of Representatives outside of a regularly-scheduled legislative session, it will result in an increase in state expenditures exceeding \$14,580. For any special legislative session which is convened it will result in an increase in state expenditures exceeding \$170,300.

Assumptions for the bill as amended:

- The proposed language is applicable only to states of emergency or executive orders established relative to public health emergencies occurring after January 1, 2026.

- The Governor will comply with the notice provisions and provide the required fiscal assessments utilizing existing staff and resources; therefore, any fiscal impact to state government is estimated to be not significant.
- Any action taken by the General Assembly during a regularly-scheduled legislative session will not require the additional payment of per diem or travel reimbursement for member.
- Outside of a regularly-scheduled legislative session, each legislative member will receive \$295 per day and an average mileage reimbursement of \$110 for each meeting.
- It is reasonably assumed that any special legislative session called will span Monday to Thursday, with members being reimbursed for travel once. Therefore, for any special legislative session initiated as a direct result of this legislation, there will be an increase in state expenditures estimated to exceed \$170,280 $\{[(\$295 \times 4) + \$110] \times 132 \text{ legislative members}\}$.
- The analysis assumes the Comptroller of the Treasury will review all contracts and bids entered into and accepted during a SOE after January 1, 2026 utilizing existing staff and resources; therefore, any fiscal impact is considered not significant.
- For any meeting of the Finance, Ways, and Means Committees of the Senate and House of Representatives needed for the review of contracts and bids which occurs outside of legislative session it will result in an increase in state expenditures exceeding \$14,580 $[(\$295 + \$110) \times 36 \text{ legislative members}]$.
- The proposed language requires the Judiciary Committee of the Senate, and the Civil Justice and Criminal Justice Committees of the House of Representatives to conduct a joint study and report their findings prior to January 1, 2022.
- This analysis assumes such committees will have two, two-day meetings outside of regular legislative session, resulting in an increase in state expenditures of \$56,000 $\{[(\$295 \times 2 \text{ days}) + \$110] \times 40 \text{ legislative members} \times 2 \text{ meetings}\}$ occurring in FY21-22.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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